

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

STATE OF MISSISSIPPI et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:22-CV-113-HSO-RPM

XAVIER BECERRA et al

DEFENDANTS

ORDER GRANTING MOTIONS TO APPEAR PRO HAC VICE

The Court has considered the Motions to Appear Pro Hac Vice filed by the American Medical Association (AMA) and the National Medical Association (NMA) on behalf of attorneys Rachel L. Fried, Kevin M. Lamb, Souvik Saha, Hira Baig, and Andrew L. Lindsey. The AMA and NMA have been granted leave to appear as amici curiae. Doc. [104]. Rule 83.1(d)(7)(E) of the Local Rules provides that a PHV “application ordinarily should be granted unless the court finds reasons to believe that” “the applicant had, before application, filed or appeared in the federal court without having secured approval under these rules.” The names of all five applicants for admission appear on the memorandum in opposition to Plaintiffs’ motion for summary judgment, as well as on the memorandum in support of Defendants’ cross motion for summary judgment. Doc. [105] at 26; [106] at 26. They are listed as counsel, albeit with the notation “*pro hac vice* pending.” *Ibid*. The pleadings in question were all signed and filed by a Mississippi-licensed attorney admitted to practice before this Court.

By including their names on these pleadings, the applicants have come perilously close to violating the Court’s Local Rules regarding PHV admissions. *See Clayton v. City of Oxford, Miss.*, No. 3:21-cv-174-GHD-JMV, 2021 WL 4699182 (N.D.Miss. Oct. 7, 2021); *Reech v. Sullivan*, No. 3:18-cv-35-HSO-LRA, 2018 WL1698303 (S.D. Miss. Apr. 5, 2018); *Isom v. Valley Forge Ins. Co.*, No. 2:16-cv-109-KS-MTP, 2016 WL 4183315 (S.D.Miss. Aug. 5, 2016).

Arguably, by including their names, the attorneys “appeared in federal court” prior to securing PHV admission. The Court nevertheless grants the motions to appear pro hac vice. Although the applicants’ names appear on the pleadings, they did not affix their signatures to the pleadings; nor is there any indication that the applicants have otherwise participated in the case. Furthermore, Defendants have not filed an objection or motion to disqualify. Local counsel is cautioned that pleadings and filings containing the names of counsel who have not yet been admitted pro hac vice should not be signed by local counsel under L.U.Civ.R. 83.1.

IT IS THEREFORE ORDERED that the Motions to Appear Pro Hac Vice are hereby GRANTED, and that attorneys Rachel L. Fried, Kevin M. Lamb, Souvik Saha, Hira Baig, and Andrew L. Lindsey shall be admitted to serve as amici curiae counsel for the AMA and NMA. Admission is conditioned upon completion of the registration procedures found on the Court’s website and at the following link: <https://www.mssd.uscourts.gov/attorney-admissions-page>.

SO ORDERED AND ADJUDGED, this the 11th day of August 2023.

/s/ Robert P. Myers, Jr.
ROBERT P. MYERS, JR.
UNITED STATES MAGISTRATE JUDGE